United Nations ST/AI/2018/6

Secretariat

1 May 2018

Administrative instruction

Dependency status and dependency benefits

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/2009/4, and for the purpose of implementing staff regulations 3.4, 3.5 and 3.6 and staff rule 3.6, hereby promulgates the following:

Section 1
General provisions

Dependency status

1.1 Dependency status shall be recognized in accordance with the provisions of staff rule 3.6, which define dependency for the purposes of the Staff Regulations and the Staff Rules, and in accordance with the provisions of the present instruction.

1.2 Dependency status may be recognized in respect of:

(a) A dependent spouse as defined in section 2.1 below;

(b) A dependent child or children, as defined in sections 3.1 and 3.2, and in section 5.1 for a child with a disability;

(c) A secondary dependant, as defined in section 6.1.

Dependency benefits

1.3 The present instruction also defines the conditions under which "dependency benefits", which shall include dependency allowances under staff regulation 3.4 and staff rule 3.6, may be paid in respect of recognized dependants.

Eligibility for dependency benefits

1.4 Staff members serving under the Staff Regulations and Staff Rules of the United Nations are eligible for dependency benefits, subject to conditions as detailed below.

Entitlement to dependency benefits

1.5 Eligible staff members shall be entitled to receive dependency benefits for those family members whose dependency status has been recognized, provided the conditions of the present instruction are met.

1.6 When two staff members, or a staff member and a staff member of another organization of the United Nations common system, are the parents of a child or

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children, only one may claim dependency benefits for the dependent child or children. The recipient of dependency benefits shall be the parent who has the higher salary level,[1] unless the contract type is temporary. Either or both staff members may claim benefits for a secondary dependant as defined in section 6.1 below.

1.7 When a staff member is divorced or legally separated from another staff member, the parent who has legal custody of the child or children will receive the dependency benefit. In the case of shared legal custody, section 1.6 shall apply.

1.8 The dependent spouse allowance, the single parent allowance and the transitional allowance, as defined in sections 2.1, 4.1 and 7.1, are mutually exclusive. If eligible for more than one of these dependency benefits, staff members will determine the one they would like to receive by submitting the relevant application.

Submissions of applications for dependency benefits

1.9 Applications for dependency benefits shall be supported by evidence satisfactory to the Secretary-General. Subsequently, certification of personal status, within the meaning of ST/SGB/2004/13/Rev.1, for dependency benefits shall be made on a yearly basis in accordance with the procedures set out in the relevant information circulars issued periodically by the Assistant Secretary-General for Human Resources Management, or as may be adjusted locally at duty stations outside New York.

1.10 Staff members must retain all required original documentation in support of an entitlement to dependency benefits for a period of five years from the date of claim of the entitlement.

Obligation to report changes

1.11 Staff members shall be responsible for reporting any change in their status or that of a dependant that may affect the payment of the respective dependency benefits.

1.12 Staff members shall immediately notify the human resources partner responsible for administering their entitlements in writing of any changes in the following factors that formed the basis for the eligibility of existing dependency benefits, namely:

(a) Their marital or personal status, including conditions related to recognition as a single parent;

(b) The status of their dependants, including all annual gross earnings, school attendance and marital status of their dependants, as applicable;

(c) The death of their dependants.

Self-certification

1.13 The responsibility for self-certification rests with the staff member and not with the Organization. Through the self-certification process, the staff member shall attest to understanding and meeting the requisite eligibility criteria. The staff member shall also attest to the correctness of the information provided in the application for dependency benefits and to understanding the consequences of submitting unsubstantiated, incomplete or false information as detailed in 1.15 below.

[1] For purposes of dependency benefits, the determination of the staff member who has the higher salary level is based on the calculation of net salary (gross salary, less staff assessment) plus post adjustment, language allowance and non-resident allowance, if applicable. In cases in which both staff members in the same duty station belong to the same category and grade, the staff member with the higher salary level will be the one who is at least two steps higher than the other; otherwise, either one may be determined to be the staff member with the higher salary level.

Monitoring and compliance

1.14 The offices responsible for administering the entitlements of staff members will be responsible for conducting periodic monitoring and compliance exercises to verify, to the extent possible, the accuracy of the data and information provided by staff members on their application for a dependency benefit. As part of the monitoring process, the Organization may review the requested documentation and verify the information in the application in any other relevant way, which may include contacting other individuals.

1.15 In addition to self-certification, staff members may be required to support their applications for a dependency benefit with documentary evidence. Should such documentary evidence be requested, staff members will be required to submit the requisite information within 30 calendar days of the initial request. Failure to provide the requested information within the applicable time frame or to report changes as detailed in section 1.12 above, or falsification of the information provided, may result in one or more of the following:

(a) Immediate discontinuation of the dependency benefit(s), as applicable;

(b) Recovery of dependency benefit(s) previously paid by the Organization;

(c) Any other administrative and/or disciplinary measures in accordance with staff rule 10.2, including dismissal for misconduct.

Section 2
Dependent spouse

Dependency status of a spouse

2.1 A spouse shall be recognized as a dependant when the following conditions are met:

(a) For staff members in the General Service and related categories and National Professional Officers, the spouse's annual gross earnings, if any, do not exceed the lowest entry level of the United Nations General Service gross salary scale in force on 1 January of the year concerned for the closest United Nations duty station in the country of the spouse's place of work.[2] In duty stations where more than one salary scale is in force, the most recently issued salary scale shall apply for determining the threshold amount;

(b) For staff members in the Professional and higher categories and staff members in the Field Service category, the spouse's annual gross earnings, if any, do not exceed the higher of:

(i) The amount determined under section 2.1 (a); or

(ii) The gross salary for the lowest entry level in force on 1 January of the year concerned at the base of the salary system (G-2, step 1, for New York).

2.2 The spouse of a staff member who is legally separated may be recognized as a dependent spouse only upon submission of satisfactory evidence of the provision of main and continuing financial support by the staff member that is equal to or greater

[2] For the purposes of the spouse allowance, in situations in which it is difficult to determine the spouse's place of work (e.g. employment that involves extensive or full-time telecommuting from a different country or location, consultancies in different countries or locations) or in cases involving spouses who are retirees, the spouse's place of residence will be considered to be the spouse's place of work.

than the spouse allowance. The spouse's annual gross earnings, if any, shall not exceed the amounts determined under sections 2.1 (a) or 2.1 (b), as applicable.

2.3 All earnings received, including but not limited to pension income, such as retirement and disability benefits, and earnings resulting from investments, shall be included in the computation of the annual gross earnings under section 2.1.

Dependent spouse allowance for staff in the Professional and higher categories and in the Field Service category

2.4 Eligible staff members in the Professional and higher categories and in the Field Service category shall be paid a spouse allowance equivalent to 6 per cent of net remuneration (net base salary and post adjustment) with respect to a dependent spouse.

Dependent spouse allowance for staff in the General Service and related categories and National Professional Officers

2.5 Eligible staff members in the General Service and related categories, including National Professional Officers, shall receive a spouse allowance with respect to a dependent spouse when local conditions and/or the practices of comparator employers call for the establishment of such an allowance. The amount of that allowance, if any, shall be provided in the local salary scale applicable at the duty station.

Adjusted dependency allowance with respect to a spouse

2.6 When the spouse's annual gross earnings are greater than the earnings limit set out in section 2.1 but less than the sum of this amount plus the amount of the spouse allowance, an adjusted dependency allowance for a spouse may be paid to all staff members, with or without children.

2.7 The adjusted allowance shall be equal to the amount by which the sum of the earnings limit as set out in section 2.1 plus the spouse allowance exceeds the spouse's gross earnings.

Section 3
Dependent child or children

Dependency status of a child or children

3.1 In accordance with staff rule 3.6 (b), a natural child, a legally adopted child or a stepchild, provided the stepchild resides with the staff member, shall be recognized as a dependent child when the following conditions are met:

(a) The child is under 18 years of age or, if in full-time attendance[3] at school, university or a similar educational institution, under 21 years of age; and

(b) The staff member certifies that the staff member provides main and continuing support to the child in an amount that is equal to or greater than the amount of the dependent child allowance, except in child support cases, when it should be at least the amount of the court-ordered child support or the amount of the dependent child allowance received from the Organization, whichever is higher. Such self-certification must be supported by documentary evidence satisfactory to the Secretary-General, if a child:

[3] Full-time attendance will be determined by the certification provided by the school. When the child is in full-time attendance for at least two thirds of the school year, the child will be considered to have been in full-time attendance for the full year for purposes of dependency benefits.

(i) Does not reside with the staff member or with the spouse of the staff member;

(ii) Is married; or

(iii) Is recognized as a dependant under the special conditions defined in section 3.2.

3.2 Other children who fulfil the age, school attendance and support requirements specified in section 3.1 may be recognized as dependent children under staff rule 3.6 (b) when all the following requirements are met:

(a) Legal adoption is not possible because there is no statutory provision for adoption or any prescribed court procedure for formal recognition of customary or de facto adoption in the staff member's home country or country of permanent residence;

(b) The child resides with the staff member;

(c) The staff member can be regarded as having established a parental relationship with the child;

(d) The child is not a sibling of the staff member; and

(e) The number of children for which dependency benefits are claimed under the present subsection does not exceed three.

3.3 For the purposes of section 3 of the present instruction, the residency requirement shall be deemed fulfilled when a dependent child is boarding at an educational institution.

Dependent child allowance for staff in the Professional and higher categories and the Field Service category

3.4 Staff members in the Professional and higher categories and in the Field Service category shall receive a dependent child allowance for each dependent child at a fixed amount approved by the General Assembly upon recommendation from the International Civil Service Commission. In accordance with sections 4 and 7 below, where eligible, a staff member may be paid a single parent or transitional allowance, in lieu of a dependent child allowance.

Dependent child allowance for staff in the General Service and related categories and National Professional Officers

3.5 Eligible staff members in the General Service and related categories and National Professional Officers shall receive a dependent child allowance in an amount and under terms based on local conditions and/or the practices of comparator employers, taking into account the floor formula established by the General Assembly. The amount and conditions of the allowance, which may limit payment to a maximum number of six children, shall be provided in the local salary scale applicable at the duty station.

Government grants for children

3.6 If a staff member, a staff member's spouse or any other person with whom a child resides receives a dependency benefit in the form of a government grant in respect of that child, the staff member shall report the total amount of the grant received in respect of that child, the country from which the grant was received and the currency of the grant (if other than United States dollars). The amount of the benefit received shall be subtracted from any dependent child allowance, single parent allowance or transitional allowance payable by the United Nations on account of the dependent child or children. Receipt of a government grant affects the amount of the

dependency benefit only, not the dependency status of a child for other purposes under the Staff Regulations and Staff Rules.

Section 4
Single parent allowance

4.1 A staff member in the Professional and higher categories or the Field Service category whose personal status, as recognized by the Organization in accordance with ST/SGB/2004/13/Rev.1, is single, legally separated from a spouse, divorced or widowed, and who is not claiming a dependent spouse allowance or cohabiting with the other custodial parent is entitled to a single parent allowance when the staff member has a dependent child pursuant to staff rule 3.6 (a) (iii) and meets the criteria in section 3 above.

4.2 The single parent allowance, equivalent to 6 per cent of net remuneration (net base salary and post adjustment), is payable only in respect of the first dependent child of the staff member. The staff member is eligible to receive the dependent child allowance with respect to any other dependent children in accordance with section 3 above.

4.3 A staff member who claims a single parent allowance, resides with the dependent child or children and receives financial support in respect of at least one child must notify the Secretary-General of the receipt of the financial support for all dependent children and certify that this financial support does not exceed the higher of:

(a) The lowest entry level of the United Nations General Service gross salary scale in force on 1 January of the year concerned at the staff member's duty station. In duty stations where more than one salary scale is in force, the most recently issued salary scale shall apply for determining the threshold amount; or

(b) The gross salary at the G-2, step 1, level in New York on 1 January of the year concerned.

4.4 In order to be eligible for the single parent allowance, a staff member who claims a single parent allowance, does not reside with the child or children and who provides financial support in respect of the dependent child or children pursuant to section 3.1 (b) must submit a certification of financial support that is at least the higher of:

(a) The lowest entry level of the United Nations General Service gross salary scale in force on 1 January of the year concerned at the staff member's duty station; or

(b) The gross salary for the lowest entry level in force on 1 January of the year concerned at the base of the salary system (G-2, step 1, for New York).

Adjusted single parent allowance

4.5 When the financial support received in respect of the dependent child or children is greater than the maximum threshold of earnings used to determine eligibility for the single parent allowance indicated in section 4.3 above but less than the sum of this amount plus the amount of the single parent allowance, an adjusted single parent allowance may be paid to staff members recognized as single parents by the Organization pursuant to section 4.1 above.

4.6 The adjusted allowance shall be equal to the amount by which the sum of the financial support limit as set out in section 4.3 plus the single parent allowance exceeds the amount of financial support received in respect of the dependent child or children.

4.7 In the event that the adjusted single parent allowance results in an amount lower than the dependent child allowance, the amount of the adjusted single parent allowance will be payable unless the staff member requests the discontinuation of the single parent allowance in order to apply to receive the dependent child allowance.

Section 5
Special provisions

Dependency status of a child with a disability

5.1 A child who is certified by the Medical Director or designated medical officer as physically or mentally incapacitated for substantial gainful employment, either permanently or for a period expected to be of long duration, shall be recognized as a dependent child, regardless of the conditions of school attendance otherwise required under section 3.1 (a), and may be recognized as a dependant after reaching age 18 or 21, provided it is established in accordance with section 3.1 (b) that the staff member provides main and continuing support for the child.

5.2 In order for the United Nations Joint Staff Pension Fund to determine the eligibility of a child to receive a child disability benefit under article 36 of the Fund's Regulations, a staff member who is entitled to receive benefits from the Fund upon separation from service is required to ensure that the certification of the child as disabled under section 5.1 above is reported to the Fund in writing by the Office of Human Resources Management or the local personnel office.

Child benefit for staff in the Professional and higher categories and the Field Service category with respect to a child with a disability

5.3 Staff members in the Professional and higher categories or in the Field Service category shall receive for a dependent child with a disability:

(a) Double the amount of the dependent child allowance, if they are entitled to receive a dependent child allowance with respect to that child; or

(b) An additional payment in the amount of the dependent child allowance, if the staff member is paid a single parent allowance or a transitional allowance on account of that child.

Child benefit for staff in the General Service and related categories and National Professional Officers with respect to a child with a disability

5.4 Staff members in the General Service and related categories and National Professional Officers shall receive for a dependent child with a disability a dependency allowance at double the rate of the regular dependent child allowance payable at the duty station where the staff member is serving.

5.5 However, at duty stations where a higher rate of dependency allowance is payable to a staff member in respect of the first dependent child, and if the first dependent child has a disability, the staff member shall receive for that child:

(a) The higher amount of the dependent child allowance payable for the first child; and

(b) An amount equivalent to the dependent child allowance payable in respect of children other than the first dependent child.

Section 6
Secondary dependants

Dependency status of a secondary dependant

6.1 A secondary dependant shall be the father, mother, brother or sister for whom the staff member provides one half or more of financial support corresponding to at least twice the amount of the dependency allowance. Pension income, such as retirement and disability benefits, and earnings resulting solely from investments shall not be included in the computation of the overall financial support of a staff member's secondary dependant. If the secondary dependant is a sibling, that person must also fulfil the age and school attendance requirements for a dependent child set out in section 3.1, unless the sibling is recognized as having a disability in accordance with section 5.1.

Secondary dependant benefit

6.2 A secondary dependency allowance may be paid to eligible staff members for a secondary dependant subject to the following conditions:

(a) The allowance is paid on account of only one secondary dependant;

(b) The staff member is not paid a dependent spouse allowance;

(c) Staff members in the General Service and related categories, including National Professional Officers, shall receive a dependency allowance with respect to a secondary dependant when local conditions and/or the practices of comparator employers call for the establishment of such an allowance. The amount of the allowance, if any, shall be provided in the local salary scale applicable at the duty station.

Section 7
Transitional allowance

7.1 A staff member who is not in receipt of a dependent spouse allowance or a single parent allowance and who, as at 31 December 2016, was in receipt of a salary at the dependency rate in respect of a dependent child shall receive a transitional allowance equivalent to 6 per cent of net remuneration (net base salary and post adjustment) from 1 January 2017 onward in respect of that child, subject to the following conditions:

(a) On 1 January 2017, the child continues to be recognized as a dependent child in accordance with staff rule 3.6 (a) (iii) and the criteria set out in section 3; and

(b) The staff member is not in receipt of a dependent child allowance in respect of that dependent child, except for an additional payment on account of a dependent child with a disability pursuant to section 5.3 (b) above.

7.2 The transitional allowance shall be reduced by 1 percentage point of net remuneration every 12 months thereafter. The reduction shall fall due on 1 January of every year and shall not be suspended for any reason.

7.3 Payment of the transitional allowance shall be discontinued when:

(a) The staff member becomes eligible for, and is paid, a dependent spouse allowance or a single parent allowance;

(b) The child in respect of whom the transitional allowance is paid is no longer recognized as an eligible dependent child; or

(c) The amount of the transitional allowance becomes equal to or lower than the amount of the dependent child allowance, provided that, in such case and at such time, the staff member shall be paid the dependent child allowance for that child.

7.4 Once the transitional allowance is discontinued, it shall not be reinstated, regardless of subsequent changes to a staff member's personal status and dependants.

Section 8
Final provisions

8.1 The present administrative instruction shall enter into force on the date of issuance.

8.2 Administrative instruction ST/AI/2016/8 is hereby superseded.

(*Signed*) Jan **Beagle**
Under-Secretary-General for Management